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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,549	03/29/2004	Thomas K. Hong	67 TH-14-US	8297

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CANADA

EXAMINER

WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/810,549

Applicant(s)

HONG, THOMAS K.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1 – 20 have been examined.

#### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1 – 5, 9, and 10 are photographs which are illegible when brought into the application system. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark

Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the components shown within figures 1 – 5, 9, and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the specification is replete with reference numbers which are either not shown in, or illegible in, the supplied figures. For example, the references numbers relating to the braking mechanism are not visible or legible, i.e. items 130, 132, 136, 140, 142, 144, 146, 148, and 150. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites the limitation "said bolt receiving portion" in lines 1 and 2 and "said dead bolt" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4 and 13 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Globerson et al. (6,131,931). Globerson discloses a folding skateboard comprising:

- a central board portion (Fig. 1, item 16), a front board portion (Fig. 1, item 14), and a rear board portion (Fig. 1, item 18);
- a front hinge means for longitudinal folding of said front board portion and said central board portion with respect to each other, wherein said front board portion and said central board portion face each other (Fig. 3, item 32);
- wherein said front hinge means comprises a front pivot hinge (column 2, lines 31 – 38);
- a rear hinge means for longitudinal folding of said rear board portion and said central board portion with respect to each other, wherein said rear board portion and said central board portion face each other (Fig. 3, item 34);
- wherein a front pivot axis and a rear pivot axis are oriented transversely to a longitudinal axis running from tip to tail of said board portions (Fig. 1);

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- a front locking means mounted on one of said front board portion and said central board portion (Figs. 4 and 4A & column 3, lines 46 – 59);
- a rear locking means mounted on one of said rear board portion and said central board portion (Figs. 4 and 4A & column 3, lines 46 – 59);
- a front wheel carriage (Fig. 1, item 28);
- a rear wheel carriage (Fig. 1, item 30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931). Globerson discloses a folding skateboard as described above.

In regards to claims 5 and 17, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to fold said skateboard in either a configuration by which a top portion of said front portion faced a top portion of said rear portion or a configuration by which a bottom portion of said front portion faced a bottom portion of said rear portion. These are equivalent structures.

Claims 6 – 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Broome (1,302,301). Globerson discloses a folding skateboard as described above. Globerson does not make use of a dead bolt type securing device. Broome, however, discloses an automotive creeper comprising:

- a dead bolt (Fig. 1, item 9) slidably mounted within a main housing secured to one board portion whereby a receiving portion is located on an adjacent board portion (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the dead bolt locking mechanism of Broome with the folding skateboard of Globerson in order to provide additional rigidity to the unfolded skateboard.

Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Broome (1,302,301) as applied to claims 6 – 10 and 18 above, and further in view of Akonteh et al. (4,084,831). Globerson in view of Broome does not disclose the use of a braking mechanism. Akonteh, however, discloses a skateboard with control unit comprising:

- a braking means (Fig. 3);
- a pivot axle (Fig. 3, item 72);
- an actuation arm (Fig. 3, item 92);
- a brake pad (Fig. 3, item 56).



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the braking mechanism of Akonteh with the folding skateboard of Globerson in view of Broome in order to provide braking force while said board is oriented with all four wheels on the pavement.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Broome (1,302,301) as applied to claims 6 – 10 and 18 above, and further in view of Blayney (266,601). Globerson in view of Broome do not make use of a catch and notch type dead bolt. Blayney, however, discloses a door bolt comprising:

- a notch portion (Fig. 1, item c);
- a catch portion (Fig. 1, item D).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to place said catch and said notch on either a bolt portion of said lock or a receiving portion of said lock. These are equivalent structures.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the catch and notch dead bolt of Blayney with the folding skateboard of Globerson in view of Broome in order to add security to the latching mechanism.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carroll (4,094,524) discloses a skateboard brake system of note. Thompson (781,243), Bradshaw (2003/0071429), and Schnuckle et al. (2003/0127816) disclose folding boards of note.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters  
Examiner  
Art Unit 3618

JDW

JW

*[Handwritten signature]*

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